

CITY COUNCIL AGENDA

FEBRUARY 24, 2004

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:32 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: Gonzales.

1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 2)**
Honoring Black History Month, Summer Morrow, 6th grade student attending Edenvale Elementary School, spoke of Martin Luther King's inspiring nonviolent strategies.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Crosscultural Community Services Center. (Campos)**
Mayor Gonzales was joined at the podium by Council Member Campos to recognize and commend the Crossculture Community Services Center. Council Member Campos invited the President of the Board, Helen Lee, and the Executive Director, Sandra Gonzales, to the podium. Council Member Campos remarked the Crosscultural Community Services Center focuses on providing alternative education opportunities for High School youth, improving educational resources, decreasing truancy, and providing job training and placement assistance. Mayor Gonzales presented the commendation to Ms. Lee, on behalf of the City of San José and the Council Members, to the staff and volunteers of the Crossculture Community Services Center for their outstanding achievements and dedication to providing excellent educational service and ensuring a bright future for the youth in the community. Ms. Lee thanked Mayor Gonzales, Council Member Campos and the Council Members.

1 CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to Michele Young, Environmental Services Department, City of San José, for being the recipient of the prestigious H. Clark Gregory Award for Outstanding Grassroots Efforts Promoting Composting at the recent United States Composting Council (USCC). (LeZotte)

Mayor Gonzales was joined at the podium by Council Member LeZotte to recognize Michele Young, the recipient of the prestigious H. Clark Gregory Award for Outstanding Grassroots Efforts Promoting Composting at the recent United States Composting Council. Mayor Gonzales presented the commendation to Ms. Young, on behalf of the City of San José and the Council Members, recognizing her for receiving national recognition for outstanding leadership, contributions to the community and environmental protection, and invaluable commitment to serving the residents of San José. Ms. Young thanked Mayor Gonzales, Council Member LeZotte, and the Council Members.

- 1.3 Presentation of commendation to the *Monopoly in the Park* Planning Committee. (Chavez, Williams)
(Orders of the Day)

Mayor Gonzales was joined at the podium by Council Members Chavez and Williams to recognize and commend the *Monopoly in the Park* Planning Committee. Council Member Chavez remarked that the original granite board at the Children's Discovery Museum was made in 1992 for the San Francisco Garden and Landscape Show by Cypress Granite in San José; and after the show, the San José Beautiful Steering Committee and Staff wanted to bring this unique opportunity to the City of San José. Council Member Chavez commented that the 20 volunteers donated thousands of hours to design and implement the project, organized a statewide competition for the landscape architecture, and raised funds for the purchase of the Monopoly Board. Council Member Chavez mentioned that the Monopoly Board was selected as the 2004 Guinness Board of World Records Holder, and is featured in this year's publication. Council Member Chavez invited Jim Ekblom to the podium, local architect and volunteer who led the Construction Committee. Council Member Williams congratulated the committee for their efforts over the past 10 years on this difficult task. Council Member Williams commented on the people who helped with the fund raising, including, Orloff/Williams, Santa Cruz Beach Boardwalk, Calpine Foundation, Waste Management, IBM, California Water Service Company, K&C Drywall, Inc., Terrence J. Rose, Inc., Barry Swenson Builders, Hotel De Anza, San José Business Journal, Children's Discovery Museum, and San José Police Officers. Mayor Gonzales presented the commendation to Mr. Ekblom, on behalf of the City of San José and the Council Members, for their enduring efforts to bring *Monopoly in the Park* to the City of San José. Mr. Ekblom thanked Mayor Gonzales, and the Council Members for their support. Mitchell Freeman, member of the Steering Committee, and Jill Cody, San José Parks and Recreation were also present. Ms. Cody introduced a video of *Monopoly in the Park*.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of January 20, 2004
- (b) Regular meeting of January 27, 2004
- (c) Joint Council/Agency Board meeting of January 27, 2004

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27069 – Establishes an Underground Utility District on Stevens Creek Boulevard, from Calvert Drive to Stern Avenue.

Ordinance No. 27069 adopted.

2.3 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2003-2004 #15 and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

Approved.

2.4 Approval to purchase Variable Frequency Drives and motors.

Recommendation: Approval of a sole source award to purchase 6 Variable Frequency Drives (VFDs) and 2 motors from Carrier Corporation of San Leandro, CA, for a total amount not to exceed \$189,226, including sales tax, delivery and installation, and authorization for the Director of General Services to execute the purchase order. CEQA: Resolution Nos. 67380 and 71451, PP04-01-024. (General Services)

Approved.

2.5 Approval of an agreement for sports field improvements at Flickinger Park.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a Turnkey Parkland Agreement with Pulte Home Corporation for sports field improvements at Flickinger Park, as required by Tentative Map No. PT 03-051. CEQA: Mitigated Negative Declaration, PDC03-038. Council District 4. (Parks, Recreation and Neighborhood Services)

Resolution No. 71967 adopted, with Staff directed to keep Council apprised with copies of all documentation of issues relating to prioritizing and scheduling times for use at the fields, and other pertinent issues that may arise.

2 CONSENT CALENDAR

2.6 Approval of action to vacate an easement on Almaden Avenue and Woz Way.

Recommendation: Adoption of a resolution of intention to vacate a 60-foot wide Storm Drain Easement on the northwest corner of Almaden Avenue and Woz Way and setting a public hearing on March 23, 2004 at 1:30 p.m. CEQA: Resolution Nos. 64273 and 68839 and addendum thereto, RH00-05-005. Council District 3. (Public Works)

Resolution No. 71968 adopted.

2.7 Approval of Council Members Forrest Williams' and Nora Campos' travel.

Recommendation:

- (a) Approval of Council Member Forrest Williams' travel to Washington, D.C., March 6-10, 2004, to attend the American Public Transportation Agency Conference. Funding: Santa Clara Valley Transportation Agency. (Williams)
- (b) Approval of Council Member Nora Campos' travel to Washington, D.C., March 3-7, 2004, to attend the National League of Cities Conference, Municipalities in Transition Panel on Equity and Opportunity Committee. Funding: Council District 5 Office Budget. (Campos)

Approved.

2.8 Approval to submit two grant applications for the Taxiway Z Alignment and Terminal C Apron Lighting Projects.

Recommendation: Adoption of a resolution authorizing the City Manager to apply for, and execute upon receipt, two grants from the Federal Aviation Administration to be used to partially defray the costs of the Taxiway Z Alignment, in the amount of \$2,505,594, and Terminal C Apron Lighting, in the amount of \$500,000, projects at the Norman Y. Mineta San José International Airport, in a total amount in excess of the City Manager's contract authority. CEQA: Resolution Nos. 67380 and 71451, PP04-02-050. (Airport) (Orders of the Day)

Resolution No. 71969 adopted.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of February 11, 2004 Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review February 24, 2004 Draft Agenda
The Committee recommended approval of the February 24, 2004 City Council agenda with three additions.
 - (2) Add New Items to February 17, 2004 Amended Agenda
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests**The Committee recommended four additions to the February 17, 2004 City Council agenda.**
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's report listing three staff reports outstanding for the February 17, 2004 Council agenda.
- (c) Legislative Update
 - (1) State
There was no report.
 - (2) Federal
There was no report.
- (d) Meeting Schedules
There were none.
- (e) The Public Record
There was no Public Record filed.
- (f) Appointment to Boards, Commissions and Committees
 - (1) Recommend one Council Member appointment to Project Diversity Screening Committee
This item was reported at the February 17, 2004 City Council Meeting, Item 3.5(a).

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of February 11, 2004 (Cont'd.)

Vice Mayor Dando, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Add *Review of the Fire Department's Hazardous Incident Team* to the City Auditor's 2003-04 Audit Workplan
The Committee recommended adding an item entitled, "Review of Fire Department's Hazardous Incident Team", to the City Auditor's 2003-04 Audit Workplan.
- (h) Oral communications
None were presented.
- (i) Adjournment
The meeting was adjourned at 2:10 p.m.

Meeting of February 18, 2004 (Partial)

- (c) Legislative Update
 - (1) State
 - (a) Approve City positions on March 2004 State Ballot Propositions
See Item 3.6 for Council Action taken.

The Rules/Partial Rules Committee Report, and Actions of February 11, 2004, and February 18, 2004, were accepted.

3.3 Report of the Making Government Work Better Committee – February 11, 2004 **Council Member Campos, Chair**

- (a) Update of Major Information Technology Projects
The Committee accepted the Staff report.
- (b) Discussion of Neighborhood Development Center Audit Outcomes
The Committee accepted the Staff report.
- (c) Discussion of the Procedures and Policies Regarding City-Owned Land
The Committee accepted the Staff report, with Staff directed to report back at a future MGWB Committee meeting. The report should include the status of consolidation of properties, the single point of contact and the possibility of a "give away" policy.
- (d) Investment Report
The Committee accepted the Staff report, without implementing the recommendation, with direction to Staff to return with suggestions for electronic reporting.
- (e) Annual Debt Report
**The Committee accepted the Staff report.
See Item 3.5 for Council Action taken.**

3 STRATEGIC SUPPORT SERVICES

3.3 Report of the Making Government Work Better Committee – February 11, 2004 Council Member Campos, Chair (Cont'd.)

(f) Oral petitions
There were none.

(g) Adjournment
The meeting was adjourned at 5:00 p.m.

The Making Government Work Better Committee Report, and the Actions of February 11, 2004, were accepted.

3.4 Approval of appointments to the Project Diversity Screening Committee.

Recommendation: Approval of the four Mayor appointments to Project Diversity Screening Committee. (Mayor)

[Rules Committee referral 2/4/04 – Item 3.2(f)(1), 2/11/04 – Item 3.2(f)(1), and Council deferral from 2/17/04 – Item 3.5(b)]

Three appointments were approved, with the fourth to be recommended next week at the 3/2/04 Council Meeting.

3.5 Presentation on the City's Annual Debt Report.

Recommendation: Presentation on the City's Annual Debt Report. (Finance)

[Making Government Work Better Committee referral 2/11/04 – Item 3.3(e)]

Report Accepted.

3.6 Approval of City positions in support of each of the statewide ballot propositions.

Recommendation: Approval of support positions for each of the statewide ballot propositions set for the March 2, 2004 Primary Election:

(a) Proposition 55-Kindergarten-University Public Education Facilities Bond Acts of 2004 (Support);

Approved.

(b) Proposition 56-State Budget, Related Taxes, and Reserve. Voting Requirements. Penalties (Support);

Approved. Noes: Dando, Reed.

(c) Proposition 57-The Economic Recovery Bond Act (Support); and

(d) Proposition 58-The California Balanced Budget Act (Support).

[Rules Committee referral 2/18/04 – Item 3.2(c)(1)(a)]

Approved.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee

Council Member Chavez, Chair

No Report.

4.2 Report of the Driving a Strong Economy Committee

Council Member Williams, Chair

No Report.

4.3 Approval of actions related to the City's affordable housing programs.

Recommendation: Adoption of a resolution:

- (a) (1) Approving a strategy to provide for the ongoing funding of the City's affordable housing programs, including rental housing development, first-time homebuyer programs, and housing rehabilitation activities.
- (2) Approving project threshold criteria and a weighting system for scoring proposed developments upon which to base future funding-commitment recommendations for affordable housing development projects.

CEQA: Not a Project. (Housing)

(Deferred from 2/10/04 – Item 4.3)

- (b) Adoption of a resolution modifying the Housing Rehabilitation Program as follows:

- (1) Target all housing rehabilitation program funds to low-income households, currently defined as those households earning below 77% of Area Median as annually adjusted by the Department of Housing and Urban Development.
- (2) Target owner-occupied properties only, with the exception of specific rental demonstration projects currently in progress.
- (3) Authorize the use of SNI Exterior Grant funds for critical health and safety conditions and/or handicap accessibility projects.
- (4) Authorize the Director of Housing to negotiate and execute loans for the replacement of substandard mobilehomes, trailers, and recreational vehicles for lower-income households and the unit must be used as a principal residence and be located in a mobilehome park in the City of San José.

CEQA: Not a Project. (Housing)

Resolution No. 71970 adopted, with Staff directed to:

- (1) **Have discussions with the Neighborhood Advisory Committees, in order to refine criteria, including criteria for matching funds.**
- (2) **Include the comments from the Housing Advisory Commission with regard to public outreach, in future Staff memorandums.**
- (3) **Develop a plan of current marketing issues, including future years, relating to senior housing strategies and needs, and return to Council with the outreach plan.**
- (4) **Develop an outreach plan to include the mobile home park community, in terms of the Housing Rehabilitation Program.**

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval to initiate proceedings to amend the San José Municipal Code to allow the concurrent sale of food and alcohol at gasoline service stations under certain circumstances.

Recommendation: Adoption of a resolution initiating proceedings to amend Part 7 of Chapter 20.80 of Title 20 of the San José Municipal Code to allow the concurrent sale of food and alcohol at gasoline service stations under certain circumstances, setting a public hearing on May 4, 2004 at 7:00 p.m. on a proposed ordinance, and referring the proposed amendments to the Planning Commission for report or recommendation. CEQA: Not a Project. (Planning, Building and Code Enforcement)
(Deferred from 1/27/04 – Item 4.4)

Deferred to 3/30/04.

4.5 Approval of fiscal actions for the Trestles Apartments.

Recommendation: Adoption of a resolution:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as "City of San José Variable Rate Demand Multifamily Housing Revenue Bonds (Trestles Apartments) Series 2004A-1 (the "Senior Bonds") and City of San José Subordinate Multifamily Housing Revenue Bonds (Trestles Apartments) Series 2004A-2" (the "Subordinate Bonds") in an aggregate principal amount not to exceed \$8,625,000 (collectively, the "Bonds");
- (b) Approving a loan of Bond proceeds to Fairfield Trestles, L.P., a California limited partnership, for financing the acquisition and rehabilitation of Trestles Apartments located at 1566 Scott Street in San José;
- (c) Approving in substantially final form the Bonds, Trust Indenture, Financing Agreement, Indenture of Trust, Loan Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Intercreditor Agreement, Bond Purchase and Placement Agreement and Official Statement; and
- (d) Authorizing the Director of Finance and Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these bond documents and other related bond documents as necessary.

CEQA: Exempt, PP04-02-028. Council District 6. SNI: Burbank/Del Monte.
(Finance/Housing)

Resolution No. 71971 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 Approval of fiscal actions for Las Mariposas Housing Development.

Recommendation:

Adoption of a resolution approving:

- (a) A construction loan of up to \$4,181,662 and a grant of \$630,000 to Ketzal Community Development Corporation for the development of the 66-unit Las Mariposas for-sale, affordable housing project located at the northeast corner of Alum Rock Avenue and Jose Figueres Drive.
- (b) Up to \$2,350,000 in subordinate-position mortgage loans to qualified low- and moderate-income buyers of units in the project.

CEQA: Negative Declaration, PDC 99-12-096. Council District 5. (Housing)

Resolution No. 71972 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee – February 12, 2004 Council Member Yeager, Chair

- (a) Update on Little Hands Early Childhood Literacy Programs and Other Literacy Programs
The Committee accepted the report.
- (b) Report on City Partnership with Community-Based Education and Youth Services Partners
 - Priorities of funding sources
 - Progress of Service Deliverables to meet City Service Area Goals**The Committee accepted the report.**
- (c) Civic Center Childcare Update
The Committee deferred this item to March 2004.
- (d) Presentation and discussion on Youth, and Parks and Recreation Commissions' Recommendations on City Core Services
This report was presented jointly with Item (b), Report on City Partnerships with Community-Based Education and Youth Service Partners.
- (e) Youth Commission Strategic Workplan Update – Update and discussion on new structure, and linkage with City Council All Children Achieve Committee
The Committee accepted the report.
- (f) Oral petitions
There was none.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee – February 12, 2004 (Cont'd.) Council Member Yeager, Chair

- (g) Adjournment
The meeting was adjourned at 2:35 p.m.

The All Children Achieve Committee Report and the Actions of February 12, 2004, were accepted.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Cortese, Chair No Report.

6.2 Approval to support the Santa Clara Valley Transportation Authority's Community Design and Transportation Program.

Recommendation: Adoption of a resolution amending Resolution No. 71772 to support the Santa Clara Valley Transportation Authority's Community Design and Transportation Program. CEQA: Not a Project. (Transportation)
Resolution No. 71973 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval to certify and submit the Fiscal Year 2004-2005 City of San José Work Plans for Urban Runoff Management.

Recommendation: Authorization for the City Manager to certify and submit the Fiscal Year 2004-2005 City of San José Work Plans for Urban Runoff Management to the San Francisco Bay Regional Water Quality Control Board (Regional Board). CEQA: Not a Project. (Environmental Services/General Services/Parks, Recreation and Neighborhood Services/Planning, Building and Code Enforcement/Public Works/Transportation)
Approved.

7 ENVIRONMENTAL & UTILITY SERVICES

7.2 Approval of actions related to access, overflow, and pipelines for property located near Old Yerba Buena Road.

Recommendation: Adoption of a resolution:

- (a) Determining that public use and necessity require the acquisition of:
 - (1) Fee title to a portion of property located near Old Yerba Buena Road, owned by Legacy Partners, LLP for a recycled water storage facility site; and
 - (2) Permanent easements for access, overflow, and pipelines.
 - (3) Temporary construction easements (TCE) for recycled water storage facility access, pipelines, and overflow drains.
- (b) Finding that:
 - (1) The property to be taken is necessary for the completion of the Zone 3 recycled water storage facility project;
 - (2) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
 - (3) City staff established an amount of just compensation not less than the approved appraisal of the fair market value and,
 - (4) City staff presented an offer to the owners for the full appraised amount; and
 - (5) The proposed taking and use are authorized by law;
- (c) Directing the City Attorney to file an eminent domain action to acquire the above property interests.

CEQA: Negative Declaration, PP00-05-072. Council District 8. (Public Works/Environmental Services)

Item 7.2 deferred to 3/2/04.

8 AVIATION SERVICES

8.1 Presentation on the conceptual design progress for the Central Terminal Building and North Concourse Building at the Airport.

Recommendation: Presentation on the conceptual design progress for the Central Terminal Building and North Concourse Building at the Norma Y. Mineta San José International Airport. CEQA: Resolution Nos. 67380 and 71451. (Airport)
(Deferred from 2/3/04 – Item 8.1 and 2/17/04 – Item 8.1)

Staff Presentation Only. There was no Council Action Taken.

- (1) Staff requested to work with the Mayor's and City Clerk's offices to schedule the next presentation as a Study Session, to address Council's concerns and suggestions.
- (2) Staff requested to use more sophisticated computer animation in the presentation to increase the visual and overall impression of the total customer experience.
- (3) Staff to consider using professional facilitation for the Study Session/Council discussion.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report

City Attorney Doyle disclosed the following Closed Session action(s) of February 24, 2004:

A. Pending Litigation – Settlements Authorized:

Case Name: In re Davood

Substance of Settlement: Approval of settlement of claim. City to pay the total sum of \$19,000 in full settlement of the claim.

Council Vote: Ayes: Nora Campos, Cindy Chavez, Judy Chirco, David Cortese, Pat Dando, Terry Gregory, Linda LeZotte, Chuck Reed, Ken Yeager, Forrest Williams.

Noes: None.
Disqualified: None.
Absent: Ron Gonzales.

- Notice of City Engineer's Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:
None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:
None.

- **Open Forum**
 - (1) **William Garbett spoke of safety issues in the City of San José.**

- **Adjournment**

The Council of the City of San José was adjourned in memory of Bruce M. Jacobs, former City Attorney for the City of Gilroy and father of Tracy Jacobs, Mayor's Office; in memory of Cindy Lam, wife of David Lam (employee in the Department of Environmental Services), and mother of Julie Lam, Jamie Lam, and Stanley Lam; also in memory of Jeanne Yoshida Honda, wife of Representative Mike Honda, and mother of Michelle Honda Phillips and Mark Honda.

The Council of the City of San José was adjourned at 4:55 p.m.